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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,490	04/20/2004	Randell Wayne Dickey	2003B061/2	7102

7590 09/01/2006

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EXAMINER	
LU, C CAIXIA	
ART UNIT	**PAPER NUMBER**
1713	

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/828,490	DICKEY ET AL.	
	Examiner	Art Unit	
	Caixia Lu	1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-61* is/are pending in the application.

4a) Of the above claim(s) *16-61* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election conformation with traverse of Group I wherein the elected catalyst is a metallocene supported on a fluoridized silica and the antistatic agent is Stadis 425 (its composition is disclosed in US 6,562,924 to Benazouzz et al.), claims 1-15 in the reply filed on July 27, 2006 is acknowledged. The traversal is on the ground(s) that the restriction will only result in duplicative searching and prosecution. This is not found persuasive because the search is not coextensive for both groups and undue burden does exist to search and examine both Groups together.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended limitation, "antistatic agent is present from 0.3 to 1.5 ppm" is new matter since the end point 1.5 ppm is not fully supported in applicants' indicated section. It is the examiner's position that the data listed in Table 1 only support 1.5 ppm of Stadis 425 used in a specified polymerization

process as exemplified in the working example rather than for any polymerization processes in the presence of any type of catalysts including Ziegler catalysts and antistatic agents.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDaniel et al. (US 6,833,338) in view of Benazouzz et al. (US 6,562,924).

McDaniel's Example 9 demonstrates an ethylene polymerization process conducted in a loop reactor in the presence a metallocene catalyst supported on a fluorided silica-alumina, a scavenger such as triethylaluminum, and a small amount of antistatic agent such as Stadis 425 (>5 ppm relative to diluent), wherein all of the components are introduced to the loop reactor directly (col. 26, line 30 to col. 27, line 7). Because both triethylaluminum and antistatic agent are coexisting in the loop reactor, they are unavoidably contacted before polymerization occurs. McDaniel's Example 9 meets the limitations of the instant claims except that the monomer used in the polymerization process is ethylene rather than propylene and the antistatic agent is not expressly limited to the range of 0.3 to 1.5 ppm based on the weight of the monomer. However, MaDaniel does teach that its catalyst system is used for homopolymerization of propylene as well (col. 15, lines 27-28). Since MaDaniel does teach the amount of antistatic agent of Stadis 425 to be <5 ppm relative to diluent to prevent static buildup, and Benazouzz disclosed the invention of Stadis 425 expressly teaches the amount of

antistatic agent is directed added to the polymerization zone in the amount of 0.3-70 ppm by weight of olefin introduced in to the reactor (col. 5, lines 30-47 and 61), one would have been motivated to use minimized amount of antistatic agent as low as 0.3 ppm in the polymerization process to prevent fouling.

Therefore, it would have been obvious to a skilled artisan at the time the invention was made to employ McDaniel's teaching to conduct propylene polymerization in similar to that of Example 9 and minimize amount of antistatic agent to as low as 0.3 ppm as taught in Benazouzz and thus lower the cost and minimize the deteriorations of catalyst activity and the polymer mechanical property and in the absence of any showing of criticality and unexpected results.

Response to Arguments

6. Applicant's arguments with respect to rejections in the previous Office action have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caixia Lu whose telephone number is (571) 272-1106. The examiner can normally be reached from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful and the matter is urgent, the examiner's supervisor, David Wu, can be reached at (571) 272-1114. The fax numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.

Caixia Lu, Ph. D.
Primary Examiner